

AMENDED IN ASSEMBLY JULY 5, 2005

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 20, 2005

**SENATE BILL**

**No. 861**

**Introduced by Senator Speier**

February 22, 2005

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An act to amend Section 31683 of the Food and Agricultural Code, *and to add Chapter 7 (commencing with Section 122330) to Part 6 of Division 105 of the Health and Safety Code*, relating to dogs.

LEGISLATIVE COUNSEL'S DIGEST

SB 861, as amended, Speier. Dangerous and vicious dogs.

Existing law regulates potentially dangerous and vicious dogs, as specified, and provides that nothing in these provisions shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of these provisions, or that may punish a violation of these provisions as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs, provided that no program shall regulate these dogs in a manner that is specific as to breed.

This bill would no longer prohibit local governments from adopting a program regulating dangerous and vicious dogs that is specific as to breed, ~~but instead would authorize cities and counties to pass breed specific legislation to address public safety and welfare concerns in their communities, provided that no program shall institute a ban specific as to breed pertaining to mandatory spay or neuter programs and breeding requirements.~~ This bill would require those jurisdictions

*that do implement such programs to provide quarterly statistical reports relating to dog bites to the State Veterinarian, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 31683 of the Food and Agricultural Code is amended to read:

31683. ~~(a)~~ Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs. *Except as provided in Section 122330 of the Health and Safety Code, no program shall be specific as to breed.*

~~(b) Cities and counties may pass breed-specific legislation to address public safety and welfare concerns in their communities; provided that no program shall institute a ban specific as to breed.~~

SEC. 2. Chapter 7 (commencing with Section 122330) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

CHAPTER 7. SPAY/NEUTER AND BREEDING PROGRAMS FOR  
ANIMALS

122330. (a) Cities and counties may enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements.

(b) Jurisdictions that implement programs described in subdivision (a) shall measure the effect of those programs by compiling statistical information on dog bites. The information shall, at a minimum, identify dog bites by severity, the breed of the dog involved, whether the dog was altered, and whether the breed of dog was subject to a program established pursuant to

- 1 *subdivision (a). These statistics shall be submitted quarterly to*
- 2 *the State Veterinarian.*

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